

AUG 26 2002 10:58AM TOWNSEND & TOWNSEND

NO. 611

P. 2

Attorney Docket No.: 18583R-004900US
Client Ref. No.: 802-001

PTCHS01A (10-00)

Approved for use through 10/01/2002. OMB 0001-0002
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION
USING AN APPLICATION DATA SHEET (37 CFR 1.78)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/032,898, filed on December 27, 2001
- ☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)Inventor 1 Paidong Yang Date: 07/11/02Signature: [Signature] Citizen of: ChinaInventor 2 Hannes Kind Date: _____Signature: _____ Citizen of: SwitzerlandInventor 3 Hanqun Yan Date: 07/11/02Signature: [Signature] Citizen of: ChinaInventor 4 Matthew Law Date: 07/25/02Signature: [Signature] Citizen of: United States of America☒ Additional inventors are being named on form(s) attached hereto.

BURDEN HOUR STATEMENT This collection of information is required by 35 U.S.C. 118 and 37 CFR 1.63. The information is used by the PTO to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual user. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20591. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20591, PA 216233 v1

Attorney Docket No.: 18062R-004300US
Client Ref. No.: B02-001

PTO/SB/D1A (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 10/032,698, filed on December 27, 2001
☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor 5 Benjamin Messer Date: 7-25-02

Signature: Ben Messer Citizen of: United States of America

Inventor 6 _____ Date: _____

Signature: _____ Citizen of: _____

Inventor 7 _____ Date: _____

Signature: _____ Citizen of: _____

Inventor 8 _____ Date: _____

Signature: _____ Citizen of: _____

Additional inventors are being named on form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. PA 3294127 V1

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Attorney Docket No.: 18062R-004300US
Client Ref. No.: B02-001

PTO/SB/01A (10-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

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This declaration is directed to:

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- ☐ The attached application, or
- ☒ Application No. 10/032,698, filed on December 27, 2001
- ☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor 1 Peidong Yang Date: _____Signature: _____ Citizen of: ChinaInventor 2 Hannes Kind Date: July-21-2002Signature: H. Kind Citizen of: SwitzerlandInventor 3 Haoquan Yan Date: _____Signature: _____ Citizen of: ChinaInventor 4 Matthew Law Date: _____Signature: _____ Citizen of: United States of America☒ Additional inventors are being named on form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PA 3185533 v1

I hereby certify that this correspondence is being deposited with the United States Postal Service as ~~first class mail in an envelope~~ addressed to:
via facsimile

PATENT
Attorney Docket No.: 18062R-004300US
Client Reference: B02-001

Assistant Commissioner for Patents
Washington, D.C. 20231

On August 29 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Simone Fush

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PEIDONG YANG et al.

Application No.: 10/032,698

Filed: December 27, 2001

For: NANOWIRE OPTOELECTRIC SWITCHING
DEVICE AND METHOD

**POWER OF ATTORNEY
BY ASSIGNEE AND
EXCLUSION OF INVENTOR(S)
UNDER 37 CFR § 3.71**

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints all of the firm of Townsend and Townsend and Crew LLP as its attorneys to prosecute this application and any related U.S. and non-U.S. applications including continuations, continuation-in-parts, or divisionals claiming priority to this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 CFR § 3.71.

PATENT
Attorney Docket No.: 18062R-004300US

An assignment of the entire interest in the above-identified subject application:

[] was recorded on _____ at reel/frame _____ / _____.

[X] is submitted herewith for recording.

Please direct all telephone calls to Richard T. Ogawa, Esq. at (650) 326-2400 and all correspondence relative to said application to the following address:

Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834

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AUG 29 2002

TECHNOLOGY CENTER 2800

Dated: July 31, 2002

ASSIGNEE: THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA

Signature: _____

Typed Name: William A. Hoskins

Title: Director

Office of Technology Licensing
2150 Shattuck Avenue, Suite 510
Berkeley, CA 94720-1620

PTO/SB/98 (08-00)

Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Attorney Docket No. 18062R-004300US

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Peidong Yang et al.Application No./Patent : 10/032,698Filed/Issue to: December 27, 2001Entitled: Nanowire Optoelectric Switching Device and MethodThe Regents of the University of California, a University

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

July 31, 2002
DateWilliam A. Hoakins
SignatureWilliam A. Hoakins
Typed or printed nameDirector, Office of Technology
Title Licensing

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PA 3184177 v1

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TECHNOLOGY CENTER 2800

TTC Attorney Docket No. 18062R-004300US

ASSIGNMENT

U.C. Case No. 802-001

For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S),

1. Pekfong Yang2. Hannes Rind3. Wanquan Yan4. Matthew Law5. Benjamin Messer

hereby sells, assigns and transfers to ASSIGNEE, The Regents of the University of California, a California Corporation, having its statewide administrative offices located 1111 Franklin St., 12th Floor, Oakland, CA 94607-5200, and the successors, assigns and legal representatives of the ASSIGNEE all of its right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements which are disclosed in the invention entitled:

NANOWIRE OPTOELECTRIC SWITCHING DEVICE AND METHOD

and which is found in

(a) _____ U.S. provisional application filed herewith and listing the above-named persons as inventors

(b) _____ U.S. patent application filed herewith and listing the above-named persons as inventors

(c) X _____ U.S. application serial no. 10/032,698, filed on December 27, 2001

(d) _____ U.S. Patent No.: _____, issued _____

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(a) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

AND the ASSIGNOR(S) requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE, The Regents of the University of California.

executed this

Signature of Inventor(s)

1 day of July, 2002

_____ day of _____, 20____

11 day of July, 200225 day of July, 200225 day of July, 2002Pekfong YangHannes RindWanquan YanMatthew Law

PA 3224463 v1

TTC Attorney Docket No. 18062B-004300US

ASSIGNMENT

U.C. Case No. B02-001

For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S),

1. Paidong Yang2. Hannes Kind3. Haoquan Yan4. Matthew Law5. Benjamin Messer

hereby sells, assigns and transfers to ASSIGNEE, The Regents of the University of California, a California Corporation, having its statewide administrative offices located 1111 Franklin St., 12th Floor, Oakland, CA 94607-5200, and the successors, assigns and legal representatives of the ASSIGNEE all of its right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements which are disclosed in the invention entitled:

KANWIRE OPTOELECTRIC SWITCHING DEVICE AND METHOD

and which is found in

(a) _____ U.S. provisional application filed herewith and listing the above-named persons as inventors

(b) _____ U.S. patent application filed herewith and listing the above-named persons as inventors

(c) X _____ U.S. application serial no. 10/032,698, filed on December 27, 2001

(d) _____ U.S. Patent No.: _____, issued _____

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(a) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under an International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

AND the ASSIGNOR(S) requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE, The Regents of the University of California.

executed this

Signature of Inventor(s)

_____ day of _____, 20____

21 day of July, 2002

_____ day of _____, 20____

_____ day of _____, 20____

_____ day of _____, 20____

H. Kind

PA 3224463 v1